

Presentment Date: June 1, 2022

Objection Deadline: May 31, 2022 at 4:00 p.m. (AST)

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the
Commonwealth, HTA, and ERS.**

NOTICE OF PRESENTMENT OF PROPOSED ORDER GRANTING THE THREE HUNDRED FORTY-SEVENTH OMNIBUS OBJECTION (SUBSTANTIVE) OF THE COMMONWEALTH OF PUERTO RICO, THE PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY, AND THE EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO TO MISCLASSIFIED AND OVERSTATED CLAIMS (ECF NO. 17109)

PLEASE TAKE NOTICE that, on May 24, 2022, the Commonwealth of Puerto Rico (the “Commonwealth”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Highways and Transportation Authority (“HTA,” and together with the Commonwealth and ERS, the “Debtors”), by and through the Financial

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Debtors pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² hereby submit a *Notice of Presentment of Proposed Order Granting the Three Hundred Forty-Seventh Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico, Puerto Rico Highways and Transportation Authority, and Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Misclassified and Overstated Claims* (this “Notice”).

PLEASE TAKE FURTHER NOTICE that, on June 18, 2021, the Debtors, by and through the Oversight Board, filed the *Three Hundred Forty-Seventh Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico, Puerto Rico Highways and Transportation Authority, and Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Misclassified and Overstated Claims* [ECF No. 17109] (the “Three Hundred Forty-Seventh Omnibus Objection”) to the proofs of claim listed on Exhibit A thereto.

PLEASE TAKE FURTHER NOTICE that the Three Hundred Forty-Seventh Omnibus Objection was initially scheduled for hearing on August 4, 2021, and was subsequently adjourned, pursuant to notices, to the January Claim Objection Hearing (as defined below).

PLEASE TAKE FURTHER NOTICE that any party against whom the Three Hundred Forty-Seventh Omnibus Objection was served, or any other party to the Debtors’ Title III cases who objected to the relief sought therein, was required to file and serve a response to the Three Hundred Forty-Seventh Omnibus Objection with the clerk’s office of the United States District Court for the District of Puerto Rico by 4:00 p.m. (Atlantic Time) on July 19, 2021 (the “Response Deadline”).

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

PLEASE TAKE FURTHER NOTICE that, as set forth in Exhibit C to the Three Hundred Forty-Seventh Omnibus Objection, if no responses were filed by the Response Deadline, the Three Hundred Forty-Seventh Omnibus Objection “will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise.” Ex. C to Three Hundred Forty-Seventh Omnibus Objection, ECF No. 17109-4, at 2.

PLEASE TAKE FURTHER NOTICE that counsel for the claimants associated with Proofs of Claim Nos. 29547, 42138, 66935, 105171, and 109157 (the “Claims Heard at August 2021 Omnibus Hearing”) filed a response before the Response Deadline, which was heard by the Court at the August 4, 2021 omnibus hearing, during which the Court sustained the Three Hundred Forty-Seventh Omnibus Objection as to the Claims Heard at August 2021 Omnibus Hearing.

PLEASE TAKE FURTHER NOTICE that, on December 8, 2021, this Court entered the *Order Regarding Adjourned Omnibus Objections to Claims* [ECF No. 19461] (the “Order Regarding Adjourned Omnibus Objections”), scheduling hearings on January 19-20, 2022, at 9:30 a.m. (Atlantic Time) (the “January Claim Objection Hearing”), and February 16-17, 2022, at 9:30 a.m. (Atlantic Time) (the “February Claim Objection Hearing,” and together with the January Claim Objection Hearing, the “Claim Objection Hearings”), to consider, *inter alia*, the Three Hundred Forty-Seventh Omnibus Objection. Order Regarding Adjourned Omnibus Objections at 1.

PLEASE TAKE FURTHER NOTICE that, as of the filing of this Notice, the Claimants associated with Proofs of Claim Nos. 25360, 27235, and 28171, listed on **Exhibit A** hereto have responded to the Three Hundred Forty-Seventh Omnibus Objection (the “Claims to Be Heard”) on or before the Response Deadline via either (i) ECF filing, (ii) mailing to Prime Clerk, LLC

(“Prime Clerk”), (iii) mailing to counsel for the Oversight Board, or (iv) mailing to counsel for the Official Committee of Unsecured Creditors of the Commonwealth of Puerto Rico (the “UCC”) and forwarded to the Oversight Board.

PLEASE TAKE FURTHER NOTICE that, at the January Claim Objection Hearing, the Debtors prosecuted, and the Court sustained, the Three Hundred Forty-Seventh Omnibus Objection as to the Claims to Be Heard.

PLEASE TAKE FURTHER NOTICE that, with the exception of the Claims to Be Heard and the Claims Heard at August 2021 Omnibus Hearing, as of the Response Deadline, the Claimants associated with all other claims listed on **Exhibit A** hereto failed to respond to or otherwise oppose the Three Hundred Forty-Seventh Omnibus Objection (the “Claims to Be Reclassified via Notice of Presentment”).

PLEASE TAKE FURTHER NOTICE that attached hereto as **Exhibit B** is a proposed order (the “Proposed Order”) reclassifying (1) the Claims to Be Heard, (2) the Claims Heard at August 2021 Omnibus Hearing, and (3) the Claims to Be Reclassified via Notice of Presentment.

PLEASE TAKE FURTHER NOTICE that, pursuant to Paragraph III.H of the Court’s *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1], “the presentment of a proposed order for administrative relief must be filed and served at least seven (7) calendar days before the presentment date, and Objections thereto must be filed and served at least one (1) calendar day before the presentment date,” and accordingly, unless a written objection to the Proposed Order is filed with the Court no later than **4:00 p.m. (Atlantic Time) on May 31, 2022**, the relief requested shall be deemed unopposed, and the Proposed Order may be entered without a further hearing.

PLEASE TAKE FURTHER NOTICE that copies of all documents filed in these Title III cases are available (a) free of charge by visiting <https://cases.ra.kroll.com/puertorico> or by calling +1 (844) 822-9231, and (b) on the Court's website at <http://www.prd.uscourts.gov>, subject to the procedures and fees set forth therein.

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Dated: May 24, 2022
San Juan, Puerto Rico

Respectfully submitted,

/s/ Brian S. Rosen

Martin J. Bienenstock

Brian S. Rosen

(Admitted *Pro Hac Vice*)

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